



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, PE, Chair

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22 September 2008

APPROVED

Staff

Senior

Mr. Steve Schimp  
District Manager  
San Andreas Sanitary District  
P.O. Box 1630  
San Andreas, CA 95249

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## **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0581 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, SAN ANDREAS SANITARY DISTRICT, WASTEWATER TREATMENT PLANT, CALAVERAS COUNTY**

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements (WDRs) Order Nos. 95-033, 5-01-118, R5-2003-0151 (NPDES No. CA0079464) by the San Andreas Sanitary District Wastewater Treatment Plant (Discharger). The Complaint charges the Discharger with civil liability in the amount of **thirty-three thousand dollars (\$33,000)**, which represents the sum of accrued Mandatory Minimum Penalties for effluent limitation violations which occurred from 1 January 2000 through 30 June 2008.

On 13 November 2007, Central Valley Water Board staff issued a draft Record of Violations (ROV). The Discharger responded, but made no comments regarding the effluent violations. We extended the ROV to 30 June 2008, and found that there were no additional violations.

Pursuant to CWC section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **22 October 2008**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting both the waiver and a letter describing the issues to be discussed to this office by **22 October 2008**; **or**
- Contest the Complaint and/or enter into settlement discussions with the Central Valley Water Board without signing the enclosed waiver.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be

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considered final pending a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Barry Hilton. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint.

If the Central Valley Water Board does not receive a signed waiver within 30 days of the date of this Complaint (**by 22 October 2008**), then a hearing will be scheduled for the **4/5 December 2008** Central Valley Water Board meeting in Rancho Cordova. If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify an Administrative Civil Liability Order based on the enclosed Complaint, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Barry Hilton, **no later than 5 p.m. on 22 October 2008**. This includes material submitted by the discharger to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Central Valley Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 22 October 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

California Water Code section 13385(k) provides that, in lieu of assessing all or a portion of the mandatory minimum penalties against a publicly owned treatment works serving a small community, the Central Valley Water Board may elect to require an equivalent amount of money be spent on a compliance project if all of the following conditions are met:

- A) The compliance project is designed to correct the violations within five years,
- B) The compliance project is in accordance with the enforcement policy of the State Water Board, and
- C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.

On 4 September 2008, the Executive Director of the State Water Board designated San Andreas Sanitary District as a "publicly owned treatment works serving a small community" pursuant to California Water Code section 13385(k)(2). We understand that the District has completed a project to move the facility's outfall from San Andreas Creek to the Calaveras River. However, this project was not designed to correct the violations in the ROV for this action, and therefore this project cannot be used to offset the penalty. If you would like the Central Valley Water Board to consider a different compliance project in lieu of payment of the assessed civil liability, please submit information to this office by **22 October 2008** that describes a project that fulfills the three conditions listed above.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 464-4623.

WENDY WYELS

Environmental Program Manager

Compliance and Enforcement Section

Enclosure: ACLC No. R5-2008-0581

cc w/ encl: Ms. Pamela Creedon, Central Valley Water Board, Rancho Cordova  
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco  
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova  
San Joaquin County Environmental Health Department, Stockton  
Mr. Bill Jennings, California Sportfishing Protection Alliance, Stockton